



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 540246 §
issued to DAVID EUGENE FORGY § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter refer as the Board, the Petition for Reinstatement of Registered Nurse License Number 540246, held by DAVID EUGENE FORGY, hereinafter referred to as Petitioner.

An informal conference was held on May 6, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; Christina Stelly, MSN, RN, Consultant for Practice; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Kimberly Chavez, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 1, 1987, a Baccalaureate Degree in Nursing from the University of Texas, Tyler, Texas, in 1991, and a Masters of Science in Nursing from the University of Arkansas, Little Rock, Arkansas, in 1996. Petitioner was licensed to practice professional nursing in the State of Texas on August 24, 1987.

4. Petitioner's nursing employment history includes:

1987 - 1989	Staff Nurse	East Texas Rehabilitation Tyler, Texas
1990 - 1992	Director of Nursing	Texarkana Nursing Center Texarkana, Texas
1992 - 1995	House Supervisor	St. Michaels Hospital Texarkana, Texas
1995 - 2002	Clinical Manager	Hartland Care Group Oklahoma City, Oklahoma
12/02 - 12/05	Director of Hospice	Red River Hospice Oklahoma City, Oklahoma
1/06 - 9/06	Lead Nurse	Integras Canadian Valley Hospital Yukon, Oklahoma
9/06 - 2007	Nurse Manager	Vitas Hospice Dallas, Texas
2007 - 5/08	Staff Nurse	Kinsman Home Health Gilmer, Texas
6/08 - present	Not employed in nursing	

5. On November 21, 2008, the Board accepted the voluntary surrender of Petitioner's license(s) to practice professional nursing in the State of Texas. A copy of the November 21, 2008, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about February 11, 2014, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
- 7.1. Documentation of Termination of Supervision, dated April 17, 2012, for Case Number CR-07-74-M.
- 7.2. Letter of support, dated February 8, 2014 from Steve Moore, Oklahoma City, Oklahoma, stating he was the Director or Risk Management for five (5) years of an organization which Petitioner worked as a RN. During that period, Petitioner did not have any complaints or incident reports concerning his performance. Petitioner started the Peer Review Program, developed and implemented the Quality Review and Quality Improvement Programs, as well

as provided most of the in-service and program development. Many times when there were difficult or complex procedures, Petitioner would be called to perform or teach. Petitioner was a very knowledgeable and skilled nurse.

- 7.3. Letter of support, dated February 10, 2014, from John Rich, Mid South Health Care Company, Tyler, Texas, stating Petitioner worked for him for several years as a RN and his performance was excellent. He was well respected by the other nurses and patients. Mr. Rich believes Petitioner should be reinstated.
- 7.4. Letter of support, dated February 9, 2014, from Virginia Moore, Jacksonville, Texas, stating she was the owner of Red River Hospice and Petitioner worked for her at that time. Petitioner was a very good nurse and the most knowledgeable person Ms. Moore knew in health care. Every one Petitioner came in contact with thought of him as very ethical, hard working, and extremely qualified.
- 7.5. Documentation of the required continuing education contact hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DAVID EUGENE FORGY, Registered Nurse License Number 540246, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL successfully complete a nursing refresher course. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role of the nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another registered nurse, as stated on the Board's website, <http://www.bon.state.tx.us/olv/pdfs/6mth-rn.pdf>. Upon receipt of verification that PETITIONER has enrolled in a nursing refresher course, the PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. PETITIONER SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course. PETITIONER SHALL CAUSE the sponsoring institution to notify the Board of PETITIONER'S successful completion on the Verification of Course Completion form, available from the Board at <http://www.bon.texas.gov/compliance>. Upon receipt of the Verification of Course Completion form and the

limited permit, the Board will then issue PETITIONER a license to practice professional nursing. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

(2) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued the applicable license(s) to practice nursing in the State of Texas, which shall be subject to the following agreed post-licensure probation conditions:

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

Board-approved courses may be found at the following Board website address:

<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National

Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer

to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the duration of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

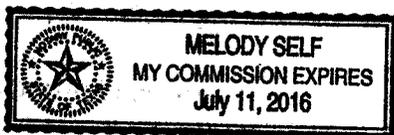
Signed this 27th day of May, 2014

David Eugene Forgy
DAVID EUGENE FORGY, Petitioner

Sworn to and subscribed before me this 27th day of May, 2014

SEAL

Melody Self
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 27th day of May, 2014, by DAVID EUGENE FORGY, Registered Nurse License Number 540246, and said Order is final.

Effective this 17th day of July, 2014.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 540246 §
issued to DAVID EUGENE FORGY §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 540246, issued to DAVID EUGENE FORGY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas on May 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas in August 24, 1987.
4. Respondent's nursing employment history includes:

1987 - 1989	Staff Nurse/Unit Manager	East Texas Rehabilitation Tyler, Texas
1990 - 1992	DON/Administrator	Texarkana Nursing Center Texarkana, Texas

Respondent's nursing employment history continued:

1992 - 1995	House Supervisor	St. Michaels Hospital Texarkana, Texas
1995 - 2002	Clinical Managing Director	Heartland Care Group Oklahoma City, Oklahoma
12/02 - 12/05	Director of Hospice	Red River Hospice Oklahoma City, Oklahoma
01/06 - 09/06	Lead Nurse	Integras Canadian Hospital Yukon, Oklahoma
09/06 - unknown	Nurse Manager	Vitas Hospice Dallas, Texas

5. On or about September 27, 2007, Respondent entered a plea of guilty and was convicted of MISPRISON OF A FELONY (a felony offense that occurred in March 2001), in the United States District Court for the Western District of Oklahoma, under Case Number CR-07-74-M. As a result of the conviction, Respondent was committed to the custody of the United States Bureau of Prisons for one (1) year and one (1) day.
6. On or about September 27, 2007, you entered a plea of guilty and was convicted of: MAKING OR USING ANY FALSE WRITING OR DOCUMENT in the United States District Court for the Western District of Oklahoma, under Case Number CR-07-74-M. As a result of the conviction, Respondent was committed to the custody of the United States Bureau of Prisons for one (1) year and one (1) day.
7. On November 20, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the November 20, 2008 statement is attached and incorporated, by reference, as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(3),(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §217.12(1)(B)(C),(6)(A)(G)(H)&(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 540246, heretofore issued to DAVID EUGENE FORGY, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to DAVID EUGENE FORGY, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 21 day of November, 2008.

TEXAS BOARD OF NURSING



By:

Katherine A. Thomas
Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

David Eugene Forgy
3207 Greg Lane
Tyler, Texas 75701
Texas RN License #540246

Voluntary Surrender Statement

October 23, 2008

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature David Forgy
Date 11-14-08
Texas Nursing License Number/s 540246

The State of Texas

Before me, the undersigned authority, on this date personally appeared DAVID EUGENE FORGY who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the _____ day of _____, 20_____.

SEAL

Notary Public in and for the State of Texas

[Signature] (name), Comptroller (title)
Authorized by the Act of July 7,
1955, as amended, to administer
oaths (18 U.S.C. 4004).
FCI - TexasKans, Tx
11/14/2008